

notice and the reasons why it should not be required.” The Supreme Court has made clear that an ex parte TRO is an extraordinary remedy; indeed, “our entire jurisprudence runs counter to the notion of court action take before reasonable notice and an opportunity to be heard has been granted both sides of a dispute.” Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cty., 415 U.S. 423, 438–39 (1974). Thus, ex parte TROs are granted only in rare circumstances, such as when notice is impossible because the adverse party’s identity is unknown or where notice would cause additional harm like destruction of evidence. Reno Air Racing Ass’n, Inc. v. McCord, 452 F.3d 1126, 1131–32 (9th Cir. 2006) (vacating and reversing district court’s decision to issue an ex parte TRO and stating that the evidence for the ex parte TRO was “thin and barebones at best,” despite plaintiff providing at least some argument for why the TRO must be issued without notice); Am. Can Co. v. Mansukhani, 742 F.2d 314, 322 (7th Cir. 1984) (finding an abuse of discretion where district court issued ex parte TRO without notice to defendant when exceptional circumstances did not justify the lack of notice). From what can be gleaned from Plaintiffs’ Complaint and Motion for TRO, such extraordinary circumstances that allow for a TRO to proceed ex parte do not exist here—or at bare minimum have not been pled.

IT IS, THEREFORE, ORDERED that Plaintiffs’ ex parte Motion for Temporary Restraining Order, (Doc. No. 3), is **DENIED**.

Signed: April 10, 2017



Robert J. Conrad, Jr.
United States District Judge

